

REMARKS

In accordance with the foregoing, claims 1-2, 5, 7-8 and 11-12 are amended and new claims 21-32 are presented. No new matter is being presented, and approval and entry of the amended and new claims are respectfully requested.

Claims 3, 6, 9, 10 and 13-20 are cancelled without prejudice or disclaimer. Claims 1-2, 5, 7-8, 11-12, and 21-32 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims puts this application into condition for allowance and should not entail any further search by the Examiner since no new issues are being raised. Claims 1 (and 11), 5 (and 12), 7, and 8 are amended herein to include, respectively, features of dependent claims 3, 6, 9, 10, which are cancelled herein without prejudice or disclaimer. Claim 2 is amended herein so as to be dependent on claim 1. Claims 5 and 12 are further amended to clarify the methods include "displaying bill information corresponding to the requested information."

TRAVERSE OF REJECTIONS

The Action rejects claims 1-2, 5, 7-8 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Kubota (U.S.P. 5,506,902) in view of Ferguson et al. (U.S.P. 5,819,092). The rejection is traversed.

Independent claims 1, 7, and 11, all as amended herein, respectively recite an information distributing method, a medium, and an apparatus, using claim 1 as an example, including "receiving the request from the user terminal and transmitting, to the user terminal, headlines attached to respective information sets that may correspond to the received request and a way in which these information sets are handled in an information source as layout information; displaying the headlines on the user terminal according to the layout information so the user can select any of the displayed headlines and receiving an identity of the selected headline from the user terminal; distributing to the user terminal and displaying the information of the set corresponding to the headline the headline identity indicates; and billing the user for the information of the set selected for display by the user, said information indicating the way the information is handled in the information source is information about a position in the information source and/or information about an importance in the information source."

Independent claims 5, 8, and 12, all as amended herein, respectively recite an information receiving method, a medium, and an apparatus, using claim 5 as an example,

including "externally outputting a request designating possibly required information; externally receiving information as headlines attached to respective information sets that may correspond to the received request and a way the information sets are handled in an information source as layout information; receiving an identity of a selected headline determined by a user according to the layout information; externally requesting distribution of the information of the set corresponding to the headline the headline identity indicates; displaying headlines according to layout information; prompting a user to select any of the displayed headlines and request a distribution of an information set corresponding to the selected headline; and displaying bill information corresponding to the requested information, wherein said information indicating the way the information is handled in the information source is information about a position in the information source and/or information about an importance in the information source."

The Action concedes that Kubota does not teach:

a request is received from a user terminal or that a fee is charged to the user specifically for the selected set.

(Action at page 3). However, the Examiner incorrectly contends that since Ferguson teaches:

a user may make specific requests for information rather than the requests be made automatically, and that a user would be charged a fee for accessing specific content at the time it is accessed . . . It would have been obvious to . . . (combine) Kubota with . . . Ferguson because it would have provided access to the data at any given time the user wished to view it, unlike a set distribution.

(Action at page 3).

Applicant submits that features recited by each of the independent claims, all as amended herein, are not taught by the cited art, alone or in an *arguendo* combination.

Further, Applicant submits there is no reasonable chance of success of modifying the cited art in a manner as the Examiner contends.

I. Recited Features Not Taught By Even An *Arguendo* Combination Of The Cited Art

Applicant submits that even an *arguendo* combination of Kubota and Ferguson does not teach "billing the user for the information of the set selected for display by the user."

Kubota does not teach receiving a request from the user terminal and further transmitting to the user terminal headlines attached to respective information sets that may correspond to the received request.

In fact, Kubota does not teach (see, for example, FIG. 2) any receiving side for the "broadcasting center." Thus, there is no way for a user to make a request, and accordingly for the center to respond to such a request. Further, the structure of the data packets as illustrated in FIG. 11(a) teach away from responding to such a request.

Even assuming that the Examiner is correct in that Ferguson teaches "a user may make specific request for information," Ferguson merely teaches (cols 30-31 starting at line 20) examples of types of fee structures. Ferguson does not teach, and the Examiner has not cited, any teachings in Ferguson to modify Kubota's broadcasting center.

In addition, each of independent claims 1, 5, 7-8 and 11-12, all as amended herein, recite using claim 1 as an example, that "information indicating the way the information is handled in the information source is information about a position in the information source and/or information about an importance in the information source."

That is, in the billing process of the present invention, the billing is determined in accordance with the importance degree of an article. The "importance degree" is determined based on the display position of the article. Therefore, in the billing process of the present invention, the amount of billing is substantially determined according to the display position of the article.

On the other hand, Ferguson teaches (col. 31, lines 32-59) that a user pays a fixed fee every time they refer or download a specific document or a program, from a contents provider, or a user pays a fee in accordance with the size of the document or program. Therefore, the billing method taught by Ferguson is different from, as does not teach, that of the present invention.

As a simple example, a leading article on a front page of newspaper is considered to be more important and highly valued than an article on another page, even if the size of the articles are the same. In addition, the most important position on a front page differs from country to country, e.g., upper right is the most important position in Japanese newspaper; and upper center in an English newspaper. Therefore, the present invention determines the importance degree (or billing amount) of an article by the "position information," rather than by the size of the article or the size of the headline.

II. No Motivation Or Reasonable Chance of Success To Combine The Art

While the Examiner contends it would have been obvious to modify Kubota to provide "access to the data at any given time the user wished to view it," Kubota is clearly designed with bit streams of set times (see, for example, col. 10 starting at line 10):

(w)hen the preset broadcasting end time expires, the timer circuit 34 outputs a signal to the processor 35. At this time, the processor 35 controls the power circuit 37 via the power on/off controller 36 to stop supplying the power, upon which the newspaper data download operation completed.

Applicant submits that it is understood by one of ordinary skill in the art that a redesign and redirection of a purpose of invention, as proposed by the Examiner, is not an obvious

modification.

III. Kubota And Ferguson Are Both Non-Analogous Art

Independent claims 1, 5, 7-8 and 11-12, respectively recite a method, a medium, and an apparatus, using claim 1 as an example, "receiving the request from the user terminal and transmitting, to the user terminal, . . . sets that may correspond to the received request." That is, there is a requirement for the user terminal to be able to transmit information and for the reception of such information and to further respond accordingly.

Kubota merely teaches a data transfer system (see, for example, col. 2, lines 45-52) in which:

newspaper and magazine data are transmitted via an artificial satellite and received by a data receiver to be recorded onto a recording medium, thereby eliminating the need for delivery by human workers and therefore reducing delivery cost. In addition, the data receiving party need not access the data sending party, thereby reducing an operator load on the data receiving party side.

That is, Kubota is designed as a low-cost data distribution method without any provision for real-time user interaction for distributed content.

The user interaction taught by Kubota is merely deciding whether to display more of the information that has already been provided. That is, Kubota transmits all of data (see, for example, col. 1, starting at line 1):

the retrieval page (FIG. 12 (a)) can be displayed first to show headlines, according to which the subscriber selects an article page (FIG. 12 (b)) to read. Therefore, even if the screen of the portable terminal 9 or the television receiver 10 is too small to display a newspaper page in its entirety, it presents substantially no inconvenience in displaying only a selected article.

Ferguson merely teaches (see, for example, col. 6, lines 66-70) "a software development tool for the design, construction and modification of online computer services."

Summary

Since features recited by the claims are not taught by the cited art alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-2, 5, 7-8, and 11-12 allowed.

New Claims

New dependent claims are presented to recite features according to an aspect of the present invention. Dependent claims 21, 23, 25, 27, 29, and 31 respectively recite a method, a medium, and an apparatus "wherein the billing is determined in accordance with the importance degree." Support for the claims is found for example, in page 22, lines 3-5 of the specification.

Dependent claims 22, 24, 26, 28, 30, and 32 respectively recite a method, a medium, and an apparatus "wherein the importance degree is calculated based on an importance degree set for each of a plurality of cells dividing a newspaper space in advance and also based on the total sum of the importance degree of the cell occupied by an article on a newspaper layout." Support is found, for example, in page 22, lines 10-page 23, line 7 and FIG. 15 of the specification.

Applicant respectfully submits that these and other features patentably distinguish over the current cited art.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

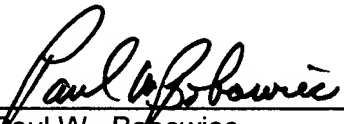
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 16, 2006

By: 
Paul W. Bobowiec
Registration No. 47,431

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501